

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DELAWRENCE LEE
BILLINGLSEY, DARRIN FARROW SMITH-
LITTLE, DEVIN JESSE SMITH-LITTLE, and
DARIUS JAMES JACKSON, JR., Minors.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
August 15, 2006

Petitioner-Appellee,

v

DOROTHY ANN SMITH,

No. 267909
Wayne Circuit Court
Family Division
LC No. 03-419005-NA

Respondent-Appellant,

and

BERT LITTLE,

Respondent.

Before: Whitbeck, C.J., and Hoekstra and Wilder, JJ.

MEMORANDUM.

Respondent Dorothy Smith appeals as of right from the trial court order terminating her parental rights to the minor children.¹ We affirm. We decide this appeal without oral argument.²

¹ MCL 712A.19b(3)(b)(i) (authorizing termination when child or sibling of child suffered physical injury by the parent's act); MCL 712A.19b(3)(c)(i) (authorizing termination when adjudicating conditions continue to exist); MCL 712A.19b(3)(g) (authorizing termination where the parent fails to provide proper care or custody and is unlikely to be able to do so within a reasonable time); MCL 712A.19b(3)(j) (authorizing termination when there is a reasonable likelihood of harm should child return to parent's home).

² MCR 7.214(E).

The trial court did not clearly err in finding that MCL 712A.19b(3)(b)(i), (c)(i), (g), and (j) were established by clear and convincing evidence.³ The conditions leading to adjudication were leaving the children unsupervised, inappropriate housing, Smith's substance abuse, and, for the second adjudication, physical abuse. At the time of trial, over two years after the first adjudication, Smith did not have housing, continued to have substance abuse problems, and did not benefit from parenting classes or therapy that might have resolved the physical abuse issues. She had clearly not rectified the conditions leading to adjudication, she could not provide proper care and custody for her children, and there was a reasonable likelihood that the children would be harmed if returned to her home. Further, the trial court did not clearly err in finding that there was no reasonable likelihood that Smith would be able to rectify the conditions within a reasonable time or provide proper care and custody within a reasonable time where Smith's situation was worsening, rather than improving.

We also find that the trial court did not clearly err in finding that the Department of Human Services (DHS) made reasonable efforts at reunification where DHS paid start up money for Smith to get a home when the children were returned to her care in November 2003. Smith lost that home after the children were removed in March 2004. Smith had difficulty obtaining housing again because her credit report showed a \$1,000 outstanding balance to a utility company. DHS is not required to pay any and all bills necessary to repair a parent's credit so that she can obtain housing. Additionally, Smith neither preserved for appeal nor provided authority for her contention that DHS was so required and, therefore, abandoned the issue.⁴

The trial court also did not clearly err in its best interests determination.⁵ Smith generally showed disinterest in her three oldest sons during visitation, and this disinterest changed to hostility during some visits with DeLawrence Billingsly. Her complete disregard for the safety of Darrin Smith-Little (age five) and Darius Jackson (a newborn) by leaving them alone in a running car, the very same day the first case was closed, was a strong indicator that Smith did not benefit from the services provided to her and was likely to continue poor parenting in the future. Therefore, the trial court did not err in terminating Smith's parental rights to the children.

Affirmed.

/s/ William C. Whitbeck

/s/ Joel P. Hoekstra

/s/ Kurtis T. Wilder

³ MCR 3.977(J); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000).

⁴ *In re Nash*, 165 Mich App 450, 457-458; 419 NW2d 1 (1987).

⁵ MCL 712A.19b(5); *Trejo*, *supra* at 356-357.